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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,298	01/19/2001	Keirou Shinkawa	16869N020600	9630
20350	7590	08/08/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			RAMAN, USHA	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/766,298	SHINKAWA ET AL.
	Examiner Usha Raman	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 May 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 20-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 20-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 20-29 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 20-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 20, 28 and 29 recite the limitation, "second EPG data from one of the broadcast stations relating to information *other than programming information* of programs broadcast by that broadcast stations". However, there is insufficient support in the specification for this feature. The disclosure discloses a second EPG for sending information about programming of each broadcast stations (see disclosure [0003]), however, it does not disclose that the EPG data relating to information other than the programming information of programs broadcast by the broadcast station.

Claims 20, 28 and 29 further recite the limitation, "wherein the first EPG information, the second EPG information, and the viewer related features are stored

in a hierarchical structure". The disclosure discloses that the first and second EPG are received and collected and hierarchically combined so they can be seen collectively. See [0040] of the disclosure. The disclosure does not disclose where the data is combined, i.e. it does not indicate that the data is *stored* in a hierarchical structure, but rather implies that it is combined hierarchically for presentation (i.e. presentation is hierarchical). The disclosure further fails to disclose that the *viewer related features* are stored with the first and second EPG data in a hierarchical structure.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 20-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US Pre Grant Pub. 2003/0020744) in view of ATSC standard A/55, "Program Guide for Digital Television".

In regards to claim 20, Ellis discloses a search system comprising:  
A plurality of broadcast stations (i.e. a plurality of data sources 14 providing program guide data; see [0037]), each for configured to transmit unique information (program guide data and video content programming) related to contents of a

program through a channel associated with the broadcast station (see figure 1, [0006], [0037]);

A first receiver (22) for receiving the unique information related to the contents of the program transmitted through a predetermined channel (see [0043]), the receiver coupled to a search requesting device (input device, 40, used to make search request) for sending a search request of the unique information transmitted through a channel (uplink channel) other than the predetermined channel (see [0046]-[0047]); and

A search system including

A second receiver receiving the unique information transmitted by the plurality of broadcast stations through the respective channels and storing such unique information in a storage device (56); see [0039], [0044], [0045]; the unique information comprising a first electronic program guide data for the plurality of broadcast stations content data for various broadcast suppliers and user search history (see [0037]), wherein the program guide information is presented in a hierarchical structure.

A connection (link 41) to enable retrieval of data from a data broadcasting service of each broadcasting station (data sources located at plurality of facilities provide data to main facility 12 over link 41, which further provides data to program guide equipment 17; see [0038], [0040] and [0084])

A searching device (54) coupled to the storage device (56) for searching the storage device and the data from the data broadcasting service (other program

guide data sources) in response to receipt of a search request; see [0046] and [0084].

A transmitter for transmitting information to the first receiver in response to the search request, such information including information from the data broadcasting service (i.e. comprises circuitry for transmitting information to user equipments over communications network. See [0046], [0084]);

Wherein the search system is configured to provide service guide information of the data broadcasting service of each broadcasting station (search system obtains information from program guide data sources, and provide them to program guide client; see [0084]).

In regards to claim 28, Ellis discloses a search system comprising:  
A plurality of transmitting apparatuses (12), each having a transmitter for transmitting unique information (program guide data) in relation to contents of a program through a channel for exclusive use thereof (see figure 1, [0006], [0037]),  
A receiving apparatus including a first receiver (22) for receiving the unique information dependent upon contents of the programs transmitted, and a search requesting device (user input device 40) for requesting a search on the unique information transmitted through a channel other than that predetermined channel (see [0046], [0047]); and  
A search apparatus including  
A second receiver for receiving the unique information (17);

A storage (56) for storing all station electronic program guide information of the programs and channels and for storing service guide information about data broadcasting services for the channels; see [0039], [0044], [0045].

A connection to enable retrieval of information of data from a data broadcasting service of each channel (program guide server communicates with the plurality of program guide data sources 14 for retrieval of information; see [0038], [0040] and [0084]);

A searching system (54) for searching the storage upon receiving a request for a search from the receiving apparatus, and a sending device for sending the content retrieved in response to the search request, such content including information from the data broadcasting service. See [0046], [0084].

Wherein the search system is configured to provide service guide information of the data broadcasting service of each channel (search system obtains information from program guide data sources, and provide them to program guide client; see [0084]).

In regards to claim 29, Ellis discloses a search apparatus (17) for receiving transmissions from a plurality of transmitters (12), each transmitting unique information about contents of a program through a channel associated with that transmitter, and for accepting a search request from a receiving apparatus (see [0046]) comprising:

A receiver (17) for receiving the unique information about the contents of the programs transmitted through the channels;

Storage (56) for storing electronic program guide information and service guide information of all of the plurality of transmitters, see [0039], [0044], [0045];

A connection to enable retrieval of information from a data broadcasting service of each channel (program guide server communicates with the plurality of program guide data sources 14 for retrieval of information; see [0038], [0040] and [0084]);

A search system (54) for searching the unique information stored in the storage receipt of a search request (see [0046] and [0084]); and

A transmitter for transmitting content retrieved in response to the search request to the receiving apparatus, such content including information from the data broadcasting service (i.e. comprises circuitry for transmitting information to user equipments over communications network. See [0046], [0084]).

Wherein the search apparatus is configured to provide service guide information of the data broadcasting service of each channel (search system obtains information from program guide data sources, and provide them to program guide client; see [0084]).

With regard to claims 20, 28 and 29, Ellis fails to disclose a first EPG information of all channels and a second EPG information originating from each channel other than programming information, wherein the first and the second EPG are stored in a hierarchical structure.

ATSC A/55 standard discloses a program guide comprising a first EPG information (EIT), relating to programming information for all channels (see

pages 24-30) and a second EPG information (CIT) from each of the channels relating to information other than programming information (see pages 18-23), wherein the first and second EPG information are stored in a hierarchical structure of the master guide program (see page 24). The standard defines a flexible, easy to update program guide database.

It would have been obvious to one of ordinary skill in the art to modify the system of Ellis with teachings from the ATSC A/55 standard, by employing a hierarchical structure of program guide, comprising a first and second program guide information in the second receiver, so that the program guide database in the second receiver can be easily updated.

In regards to claim 21, the modified system comprises the first receiver displaying a search screen information transmitted by the second transmitter thereby facilitate search requests for the first receiver. See Ellis: figures 9a, 9b and [0078].

In regards to claim 22, the modified system comprises the first receiver including storage for storing a history of unique information received and a system for transferring that history upon request (i.e. periodic polling by the server). See Ellis: [0107], [0108], [0125].

In regards to claim 23, the modified system comprises the unique information includes program guide information about contents of the programs. See Ellis: [0039].

In regards to claim 24, the modified system discloses the request from the search requesting device and the transmission of the second transmitter are

conducted through a telephone line (i.e. user equipment comprises modem to connect to the program guide server over the Internet). See Ellis: [0046], [0047], [0051], [0058].

In regards to claim 25, the modified system discloses that the request from the search requesting device and the transmission of the second transmitter are conducted through a communication network. See Ellis: [0046], [0047].

In regards to claim 26, the modified system comprises an accounting system for collecting charge information payable based upon the searching requested (i.e. a search query can be for a pay per view programming, therefore in order for a user to view the pay per view program, a payment must be collected from the user). See Ellis: [0107].

In regards to claim 27, the modified system further comprises a trend information collecting system for collecting viewer trend information based upon the search requests (i.e. viewer history is collected to make future recommendations, therefore viewer trend is analyzed for making such recommendations). See Ellis: [0010], [0111],

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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